

ESTTA Tracking number: **ESTTA701127**

Filing date: **10/08/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91223959
Party	Plaintiff SunPower Corporation
Correspondence Address	Patrick J. Gallagher Norton Rose Fulbright US LLP RBC Plaza60 South Sixth Street, Suite 3100 Minneapolis, MN 55402 UNITED STATES patrick.gallagher@nortonrosefulbright.com, shelby.bruce@nortonrosefulbright.com, jen.rezac@nortonrosefulbright.com, mnipdocket@nortonrosefulbright.com
Submission	Other Motions/Papers
Filer's Name	Patrick J. Gallagher
Filer's e-mail	patrick.gallagher@nortonrosefulbright.com, jen.rezac@nortonrosefulbright.com, mnipdocket@nortonrosefulbright.com
Signature	/patrick j. gallagher/
Date	10/08/2015
Attachments	Notification of Undeliverable Notice of Opposition.pdf(1346738 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No. 86/503,923
For the Mark: SUNGOLDPOWER
Filed: January 14, 2015
Published in the *Official Gazette* on June 2, 2015

SunPower Corporation,

Opposer,

v.

Feng Jingjing,

Applicant.

Opposition No. 91223959

NOTIFICATION OF RETURNED SERVICE COPY OF NOTICE OF OPPOSITION

Pursuant to 37 CFR § 2.101(b) and TBMP § 309.02(c)(1), Opposer, SunPower Corporation (“Opposer”), hereby notifies the Trademark Trial and Appeal Board that the service copy of the Notice of Opposition sent via First Class Mail to Applicant Feng Jingjing (“Applicant”) was returned as “undeliverable” by the United States Postal Service.

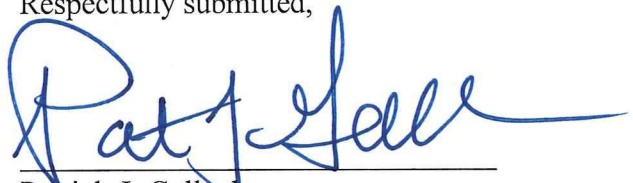
Opposer filed the Notice of Opposition through ESTTA on September 22, 2015. A true and correct copy of the ESTTA Receipt is attached hereto as Exhibit A. Opposer transmitted the service copy of the Notice of Opposition, including exhibits, via First Class Mail to Applicant’s correspondence address of record in the Office as required under TBMP § 309.02(c)(1). A true and correct copy of the Certificate of Service and a printout from the TSDR is attached hereto as Exhibit B. Opposer received the returned “undeliverable” service copy of the Notice of Opposition from the United State Postal Service on October 1, 2015. A true and correct copy of the returned envelope is attached hereto as Exhibit C.

Further, pursuant to TBMP § 309.02(c)(1), Opposer advises the Board that Opposer is not aware of any "new" address information for Applicant but Opposer notes that the address for Applicant, as reflected in the application and in TSDR, is different than Applicant's correspondence address of record and is listed as follows: No. 5002 East Shennan Rd., Luohu District Shenzhen 518001 CHINA. *See* Exhibit B.

Pursuant to TBMP § 309.02(c)(1), Opposer respectfully requests that the Board advise Opposer of further developments concerning the Board's efforts to effect service upon Applicant.

Date: October 8, 2015

Respectfully submitted,



Patrick J. Gallagher
NORTON ROSE FULBRIGHT US LLP
RBC Plaza
60 South Sixth Street, Suite 3100
Minneapolis, MN 55402-2112
Tel: 612-321-2812
Fax: 612-321-2288

ATTORNEY FOR OPPOSER

EXHIBIT A

**United States Patent and Trademark Office**[Home](#) | [Site Index](#) | [Search](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)*Electronic System for Trademark Trials and Appeals***Receipt**

Your submission has been received by the USPTO.
The content of your submission is listed below.
You may print a copy of this receipt for your records.

ESTTA Tracking number: **ESTTA697512**Filing date: **09/22/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	SunPower Corporation
Granted to Date of previous extension	09/30/2015
Address	77 Rio Robles San Jose, CA 95134 UNITED STATES

Attorney information	Patrick J. Gallagher Norton Rose Fulbright US LLP RBC Plaza 60 South Sixth Street, Suite 3100 Minneapolis, MN 55402 UNITED STATES patrick.gallagher@nortonrosefulbright.com, shelby.bruce@nortonrosefulbright.com, jen.rezac@nortonrosefulbright.com, mnipdocket@nortonrosefulbright.com
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Applicant Information

Application No	86503923	Publication date	06/02/2015

Opposition Filing Date	09/22/2015	Opposition Period Ends	09/30/2015
Applicant	FENG JINGJING No.5002 East Shennan Rd., Luohu District Shenzhen, 518001 CHINA		

Goods/Services Affected by Opposition

Class 009. First Use: 2007/07/13 First Use In Commerce: 2007/11/17
 All goods and services in the class are opposed, namely: Circuit breakers; Commutators;
 Electriccontrol panels; Electric converters; Electric relays; Inverters; Step up transformers;
 Transformers; Voltage regulators; Voltage stabilizing power supply

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2690090	Application Date	07/11/2001
Registration Date	02/25/2003	Foreign Priority Date	NONE
Word Mark	SUNPOWER		
Design Mark	76283765#TMSN.png		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1989/00/00 First Use In Commerce: 1991/00/00 Photovoltaic cells; modules, namely, photovoltaic modules and solar cell modules; panels, namely, photovoltaic panels and solar cell panels		

U.S. Registration No.	3582037	Application Date	03/31/2008
Registration Date	03/03/2009	Foreign Priority Date	NONE
Word Mark	SUNPOWER		
Design Mark	76688239#TMSN.png		

Description of Mark	NONE		
Goods/Services	<p>Class 006. First use: First Use: 2007/12/01 First Use In Commerce: 2007/12/01 Mounting systems for solar collectors comprised of structural supports, made of metal, for stabilization on the ground, solar collector supports made of metal, and clamps made of metal; solar panel mounts made of metal</p> <p>Class 011. First use: First Use: 2007/12/01 First Use In Commerce: 2007/12/01 Solar collectors, and mounting systems for solar collectors comprised of structural supports for stabilization on the ground, solar collector supports, and clamps, all sold as a unit with solar collectors</p> <p>Class 019. First use: First Use: 2008/02/01 First Use In Commerce: 2008/02/01 Roofing, not of metal, incorporating solar cells; mounting systems for solar collectors comprised of structural supports, not of metal, for stabilization on the ground, solar collector supports not of metal, and clamps, not of metal</p> <p>Class 037. First use: First Use: 2007/09/01 First Use In Commerce: 2007/09/01 Installation, repair, and maintenance of solar energy systems, solar collectors and solar heat collection panels; installation of facilities to produce solar energy; installation of ground-mounted and roof-mounted solar panel plants</p>		
U.S. Registration No.	3929715	Application Date	11/23/2009
Registration Date	03/08/2011	Foreign Priority Date	NONE
Word Mark	SUNPOWER		
Design Mark	77879227#TMSN.png		
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 2008/02/11 First Use In Commerce: 2008/02/11 Energy usage management; energy usage management information services; home energy assessment services for the purpose of determining energy efficiency or usage management; information in the field of energy efficiency; business consulting and advisory services in the field of energy efficiency; consultation in the field of energy efficiency</p> <p>Class 042. First use: First Use: 2006/02/13 First Use In Commerce: 2006/02/13 Remote monitoring, metering and analysis of energy usage and energy management systems; energy usage monitoring</p>		

U.S. Registration No.	4237317	Application Date	03/30/2012
Registration Date	11/06/2012	Foreign Priority Date	NONE
Word Mark	SUNPOWER		
Design Mark	85585503#TMSN.png		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2005/00/00 First Use In Commerce: 2005/00/00 Silicon wafers; solar wafers; inverters; photovoltaic inverters; solar inverters; converters; photovoltaic converters; solar energy converters		

U.S. Registration No.	4138218	Application Date	08/26/2011
Registration Date	05/08/2012	Foreign Priority Date	NONE
Word Mark	SUNPOWER		
Design Mark	85408770#TMSN.png		
Description of Mark	The mark consists of large black rectangle with the wording "SUNPOWER" in white and a halo around the "O" gradation from white to black background.		
Goods/Services	Class 009. First use: First Use: 2004/05/24 First Use In Commerce: 2004/05/24 Photovoltaic cells; modules, namely, photovoltaic modules and solar cell modules; panels, namely, photovoltaic panels and solar cell panels; solar batteries; solar cells; photovoltaic solar-thermal hybrid modules; electronic sensors for measuring solar radiation; apparatus for converting electronic radiation to electrical energy, namely, photovoltaic roofing members and photovoltaic cladding panels Class 037. First use: First Use: 2004/05/24 First Use In Commerce: 2004/05/24 Installation, repair, and maintenance of solar energy based power plants; Installation, repair, and maintenance of solar energy systems, solar collectors and solar heat collection panels; installation of facilities to produce solar energy, installation of ground mounted and roof-mounted solar panel plants		

Attachments

76283765#TMSN.png(bytes)
76688239#TMSN.png(bytes)
77879227#TMSN.png(bytes)
85585503#TMSN.png(bytes)
85408770#TMSN.png(bytes)
Notice of Opposition.pdf(816461 bytes)

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/patrick j. gallagher/
Name	Patrick J. Gallagher
Date	09/22/2015

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EXHIBIT B

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Notice of Opposition has been served via First Class Mail to Applicant's correspondence address of record at the address below on this the 22nd day of September, 2015:

FENG JINGJING
Suite A205A, 6640 Lusk Blvd, San Diego
San Diego, CALIFORNIA 92121


Jen Rezac

STATUS

DOCUMENTS

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Generated on: This page was generated by TSDR on 2015-10-08 15:19:50 EDT**Mark:** SUNGOLDPOWER**US Serial Number:** 86503923**Application Filing Date:** Jan. 14, 2015**Filed as TEAS Plus:** Yes**Currently TEAS Plus:** Yes**Register:** Principal**Mark Type:** Trademark**Status:** An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see T
Trademark Trial and Appeal Board web page.**Status Date:** Sep. 22, 2015**Publication Date:** Jun. 02, 2015

▲ Mark Information

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▲ Goods and Services

▲ Basis Information (Case Level)

▼ Current Owner(s) Information

Owner Name: FENG JINGJING**Owner Address:** No.5002 East Shennan Rd., Luohu District
Shenzhen 518001
CHINA**Legal Entity Type:** INDIVIDUAL**Citizenship:** CHINA

▼ Attorney/Correspondence Information

Attorney of Record - None**Correspondent****Correspondent** FENG JINGJING**Name/Address:** SUITE A205A, 6640 LUSK BLVD, SAN DIEGO
SAN DIEGO 92121**Phone:** 08618911367799**Correspondent e-mail:** 825114@gmail.com xw@gbicom.org**Correspondent e-mail** Yes
Authorized:

Domestic Representative - Not Found

- ▲ **Prosecution History**
 - ▲ **TM Staff and Location Information**
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EXHIBIT C



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OCT 01 2015

First Class Mail

Patrick J. Gallagher
Norton Rose Fulbright US LLP
RBC Plaza
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SAN DIEGO CA 92121

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